

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sheri Bluebond, Presiding
Courtroom 1539 Calendar**

Thursday, January 27, 2022

Hearing Room 1539

10:00 AM

2:00-00000

Chapter

#0.00 All hearings scheduled for today are now simultaneously 1) In person in Courtroom 1539; 2) Via ZoomGov Video; 3) Via ZoomGov Audio. Parties are free to choose any of these options, unless otherwise ordered by the Court. Parties electing to appear in person shall comply with all requirements regarding social distancing, use of face masks, etc. which will be in effect at the time of the hearing and should be aware that (1) all parties will be required to wear a mask at all times, even when presenting oral argument and (2) Judge Bluebond will not be wearing a mask.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required **but you must still notify Chambers at SBluebond@cacb.uscourts.gov of your appearance.** The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

For more information on appearing before Judge Bluebond by ZoomGov, please see the information on the Court's website at:

<https://www.cacb.uscourts.gov/judges/honorable-sheri-bluebond> under the tab, "Telephonic Instructions."

Hearing conducted by ZOOMGov.

Video/audio web address: <https://cacb.zoomgov.com/j/16161090855>

ZoomGov meeting number: 161 6109 0855

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(when prompted, enter meeting number and password shown above)

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Docket 0

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

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2:20-12042 Mark Abbey Slotkin

Chapter 7

Adv#: 2:20-01672 Miller v. SLOTKIN DEFECTIVE TRUST OF DECEMBER 14, 2012 et al

#1.00 Defendants' Motion to Stay the Court's December 21, 2021 Order Granting in Part and Denying in Part Trustee's Motion for Partial Summary Judgment Pending Appeal of the Court's Order
[OST]

Docket 221

Courtroom Deputy:

ZoomGov Appearance by:

1/20/22 - Jeffrey Goldman

1/26/22 - Elissa Miller

1/26/22 - Robyn Sokol

Tentative Ruling:

Parties agree as to the relevant standard here, but disagree as to the application of the facts to the law. Both parties agree that, to decide whether to issue a stay pending appeal, the court should consider the following four factors: (1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits of his appeal; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure other parties interested in the proceeding; and (4) where the public interest lies.

Debtor's contention that he is likely to prevail on the merits of his appeal is premised on a number of misunderstandings and misconceptions, both as to the applicable law and the findings made by the court to date:

1. The court did not rely on findings made by the superior court in the divorce proceedings. The court made its own independent findings.

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2. The court did make a finding of alter ego and did not rely solely on its finding of equitable ownership. It is not unheard of to do so in response to a motion for summary judgment when, as here, the facts upon which the finding is made are undisputed. The fact that this is a factual inquiry that usually does not get resolved by way of a summary judgment motion does not mean that it cannot be resolved by way of summary judgment when there is no genuine issue of material fact.

3. There is no substantial factual dispute as to whether or not the LLCs pay the debtor's personal expenses. All of his living expenses are paid by the LLC. The fact that the LLCs may also pay business expenses or that some of the debtor's personal expenses also benefit the beneficiary is not the point. There is no dispute whatsoever that, regardless of the language of the applicable trust agreements, the debtor is the only person in control of all of the assets. He makes all of the decisions as to what is or is not spent. He is the only person with actual authority to control the trusts and their assets and he spends them as he sees fit whenever and in whatever amounts he pleases for whatever purpose he pleases. Merely saying that there is a factual dispute as to whether the LLCs pay the debtor's personal expenses does not make it so. ALL of the evidence offered in support of or in opposition to the motion showed that the debtor's expenses are paid by/from the trusts or their assets. No evidence was offered to show that the debtor's personal expenses are paid from any other source.

Therefore, the court is not persuaded that the debtor has established even a reasonable likelihood, let alone made a strong showing that he is likely to prevail on appeal or that any of the other factors weigh in favor of imposing a stay pending appeal in this case.

The fact that an appeal may be rendered moot is not by itself irreparable injury. The trusts are in the business of buying and selling real property. How does the sale of any of the trust's assets constitute irreparable injury? Why isn't this the sort of injury that could be remedied by a monetary judgment?

The interests of creditors and the estate will be injured if a stay is granted. Leaving the debtor in control of the assets of the trust pending the outcome of

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an appeal will permit the debtor to dissipate assets of the estate to the detriment of creditors. Debtor has not turned over any of the funds in bank accounts of Clover Industrial Properties, has refused access to the warehouse, etc. Debtor continues to utilize assets of the estate for his own personal benefit. Existing injunction does not prevent debtor from expending funds received by the trusts or the LLCs for improper purposes. The only funds currently locked up are the remaining proceeds of a single sale.

The public interest does not weigh in favor of a stay. The fact that the debtor will not be able to continue to dissipate assets of the estate for his personal expenses does not mean that the public interest will be harmed. If the trustee determines that there is a business that can be profitably operated, the trustee can continue to employ people to run it. If the business cannot be run profitably, it is not in anyone's interest to continue operating businesses at a loss.

Deny motion.

Party Information

Debtor(s):

Mark Abbey Slotkin

Represented By
Leslie A Cohen
Jon H Freis

Defendant(s):

MARK ABBEY SLOTKIN

Represented By
Jon H Freis

748 DETROIT MANOR LLC

Represented By
Jon H Freis

14257 CHANDLER MANOR LLC

Represented By
Jon H Freis

17841 PALORA MANOR LLC

Represented By
Jon H Freis

Robert Mayman

Represented By
Jon H Freis

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CONT... **Mark Abbey Slotkin**

Chapter 7

TO BE NAMED TRUSTEE OF

Represented By
Jon H Freis

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Represented By
Jon H Freis

TO BE NAMED TRUSTEE OF

Represented By
Jon H Freis

LOREN MARKEN AS TRUSTEE

Represented By
Jon H Freis

LOREN MARKEN AS TRUSTEE

Represented By
Jon H Freis

LOREN MARKEN AS TRUSTEE

Represented By
Jon H Freis

SAVANNAH SLOTKIN

Represented By
Jon H Freis

INTENTIONALLY DEFECTIVE

Represented By
Jon H Freis

SLOTKIN DEFECTIVE TRUST OF

Represented By
Jon H Freis

SLOTKIN DEFECTIVE TRUST OF

Represented By
Jon H Freis

Plaintiff(s):

Elissa Miller

Represented By
Robyn B Sokol

Trustee(s):

Elissa Miller (TR)

Represented By
Robyn B Sokol
Jessica Wellington